

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF BRONX

-----X  
LIZA POPOVIC,

Index No.: 301206-07

Plaintiff,

-against-

THE STOP & SHOP SUPERMARKET COMPANY LLC,  
and SUPER STOP & SHOP,

Defendants.

**CERTIFICATION  
PURSUANT TO  
PART 130**

-----X

The accompanying papers are served pursuant to Section 130-1.1-a:

- |   |   |
|---|---|
| <input checked="" type="checkbox"/> [ X ] Verified Answer to Verified Complaint           | <input checked="" type="checkbox"/> [ X ] Notice for Discovery & Inspection         |
| <input checked="" type="checkbox"/> [ X ] Demand for Expert Witness Information           | <input checked="" type="checkbox"/> [ X ] Demand for a Verified Bill of Particulars |
| <input checked="" type="checkbox"/> [ X ] Demand for Medical Information                  | <input checked="" type="checkbox"/> [ X ] Demand for Insurance Information          |
| <input checked="" type="checkbox"/> [ X ] Demand for Collateral Source Information        | <input checked="" type="checkbox"/> [ X ] Declination of Service Via Facsimile      |
| <input checked="" type="checkbox"/> [ X ] Notice to take Deposition Upon Oral Examination | <input type="checkbox"/> [ ] Demand for Proof of Filing and Index Number            |
| <input checked="" type="checkbox"/> [ X ] Demand for Attorney Identification              | <input checked="" type="checkbox"/> [ X ] Notice Pursuant to CPLR 3017(c)           |

Dated: Albertson, New York  
October 15, 2007

BY: Paul Eschmann  
**PAUL ESCHMANN, ESQ.**  
**AHMUTY, DEMERS & McMANUS, ESQS.**  
Attorneys for Defendant,  
**THE STOP & SHOP SUPERMARKET  
COMPANY LLC and THE STOP & SHOP  
SUPERMARKET COMPANY LLC s/h/i/a  
SUPER STOP & SHOP**  
200 I.U. Willets Road  
Albertson, New York 11507  
(516) 294-5433  
**Our File No. : SAS1178N7PAE**

TO: Hoffmaier & Hoffmaier, LLP  
Attorneys for Plaintiff  
30 Avenue B  
New York, N.Y. 10009  
(212) 777-9400

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF BRONX

-----X  
LIZA POPOVIC,

Index No.: 301206-07

Plaintiff,

**VERIFIED ANSWER**

-against-

THE STOP & SHOP SUPERMARKET COMPANY LLC,  
and SUPER STOP & SHOP,

Defendants.

-----X

Defendant, **THE STOP & SHOP SUPERMARKET COMPANY LLC** and **THE STOP & SHOP SUPERMARKET COMPANY LLC s/h/i/a SUPER STOP & SHOP**, by its attorneys, **AHMUTY, DEMERS & McMANUS, ESQS.**, as and for its Verified Answer to Plaintiff's Verified Complaint alleges as follows upon information and belief:

**AS AND FOR AN ANSWER TO THE FIRST CAUSE OF ACTION**

1. Denies having knowledge or information sufficient to form a belief as to each and every allegation contained in paragraphs designated "1" and "26" of the verified complaint.
2. Denies upon information and belief each and every allegation contained in paragraphs designated "2", "3", "4", "5", "6", "14", "17", "18", "19", "20", "21", "22", "23", "24", "25", "27", "28", "29", "30", "31", "32", "33", "34", "35", "36", "37", "38", "39", "40", "41", "44", "45" and "46" of the verified complaint, and respectfully refers all questions of law to the Honorable Court.
3. Denies having knowledge or information sufficient to form a belief as to each and every allegation contained in paragraphs designated "7" and "8" of the verified complaint, and respectfully refers all questions of law to the Honorable Court.

4. Denies upon information and belief each and every allegation contained in paragraphs designated "9", "10", "11", "12", "13", "15", "42" and "43" of the verified complaint.

5. As to paragraph designated "16" admits that the Stop & Shop Supermarket Company LLC operated supermarket at 111 Vredenburg Avenue, Yonkers, New York, and denies upon information and belief each and every allegation contained in paragraph designated "16" of the verified complaint.

**AS AND FOR AN ANSWER TO THE SECOND CAUSE OF ACTION**

6. Defendant, **THE STOP & SHOP SUPERMARKET COMPANY LLC and THE STOP & SHOP SUPERMARKET COMPANY LLC s/h/i/a SUPER STOP & SHOP**, repeats, reiterates and realleges each and every denial in answer to paragraphs "1" through "46" as if more specifically set forth in answer to paragraph designated "47" of the verified complaint and each and every part thereof.

7. Denies upon information and belief each and every allegation contained in paragraphs designated "48", "49", "50", "51" and "52" of the verified complaint, and respectfully refers all questions of law to the Honorable Court.

**AS AND FOR THE FIRST AFFIRMATIVE DEFENSE**

8. Upon information and belief, plaintiff's economic loss, if any, specified in CPLR §4545 was or will be replaced or indemnified, in whole or in part, from collateral sources and the defendant is entitled to have the Court consider same in determining such special damages as provided in CPLR §4545.

**AS AND FOR THE SECOND AFFIRMATIVE DEFENSE**

9. The answering defendant, pursuant to CPLR §1412, alleges that if the plaintiff sustained any injuries or damages at the time and place alleged in plaintiff's verified complaint, such injuries or damages were the result of the culpable conduct of the plaintiff because of her negligence or assumption of risk. Should it be found, however, that the answering defendant is liable to the plaintiff herein, any liability being specifically denied, then the defendant demands that any damages that are found be apportioned between and/or among the respective parties according to the degree of responsibility each is found to have had in the occurrence in proportion to the entire measure of responsibility for the occurrence.

**AS AND FOR THE THIRD AFFIRMATIVE DEFENSE**

10. Answering defendant's liability, if any, is limited and governed by the provisions set forth in Article 16 of the CPLR.

**AS AND FOR THE FOURTH AFFIRMATIVE DEFENSE**

11. Any injuries or damages claimed were caused, in whole or in part, by the negligence or other culpable conduct of third parties over whom the answering defendant had no control or right to exercise such control.

**AS AND FOR THE FIFTH AFFIRMATIVE DEFENSE**

12. That the plaintiff failed to mitigate, obviate, diminish or otherwise act to lessen or reduce the injuries, damages and disabilities alleged in plaintiff's complaint.

**AS AND FOR THE SIXTH AFFIRMATIVE DEFENSE**

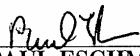
13. In the event that any person or entity liable or claimed to be liable for the injury alleged in this action has been given or may hereafter be given a release or covenant not to sue, this defendant is or will be entitled to protection under General Obligations Law §15-108 and the

corresponding reduction of any damages which may be determined to be due against this defendant.

**WHEREFORE**, the defendant, **THE STOP & SHOP SUPERMARKET COMPANY LLC and THE STOP & SHOP SUPERMARKET COMPANY LLC s/h/i/a SUPER STOP & SHOP**, demands judgment dismissing the plaintiff's complaint on the merits; and if the plaintiff, **LIZA POPOVIC**, is found to have contributed to the accident or damages, that any damages be reduced in proportion to which the plaintiff may be found to have so contributed to the accident and damages together with the costs and disbursements of this action.

Dated: Albertson, New York  
October 15, 2007

BY:

  
\_\_\_\_\_  
**PAUL ESCHMANN, ESQ.**  
**AHMUTY, DEMERS & McMANUS, ESQS.**  
Attorneys for Defendant,  
**THE STOP & SHOP SUPERMARKET**  
**COMPANY LLC and THE STOP & SHOP**  
**SUPERMARKET COMPANY LLC s/h/i/a**  
**SUPER STOP & SHOP**  
200 I.U. Willets Road  
Albertson, New York 11507  
(516) 294-5433  
**Our File No. : SAS1178N7PAE**

TO: Hoffmaier & Hoffmaier, LLP  
Attorneys for Plaintiff  
30 Avenue B  
New York, N.Y. 10009  
(212) 777-9400

ATTORNEY VERIFICATION

STATE OF NEW YORK )  
 ):SS.:  
COUNTY OF NEW YORK)

PAUL ESCHMANN, being duly sworn, deposes and says:

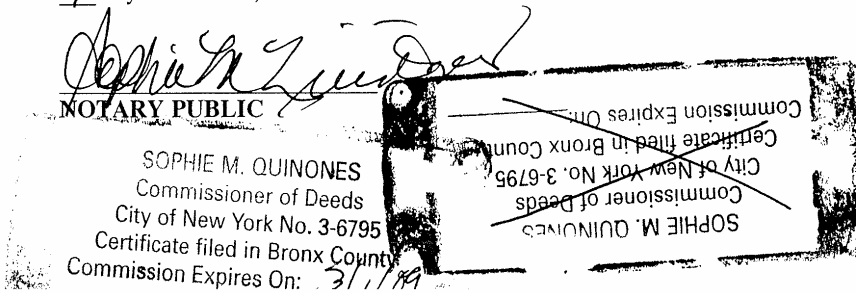
That he is a member with the law firm of AHMUTY, DEMERS & McMANUS, the attorneys for the defendant, THE STOP & SHOP SUPERMARKET COMPANY LLC and THE STOP & SHOP SUPERMARKET COMPANY LLC s/h/i/a SUPER STOP & SHOP, in the above entitled action; that he has read and knows the contents of the foregoing Verified Answer to the Plaintiff's Verified Complaint and that same is true to his own knowledge, except as to those matters therein stated to be alleged on information and belief and that as to those matters he believes to be true.

Deponent further says that the grounds for his belief as to all matters therein stated upon information and belief are statements made to him by the defendant and papers and documents received by deponent from the defendant or its representative and which are now in his possession.

Deponent further says that the reason why this verification is made by deponent and not by the defendant is that defendant is not within the County of New York, where deponent has his office.

Paul Eschmann  
PAUL ESCHMANN

Sworn Before Me This  
17 day of October, 2007



SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF BRONX

-----X  
LIZA POPOVIC,

Index No.: 301206-07

Plaintiff,

-against-

THE STOP & SHOP SUPERMARKET COMPANY LLC,  
and SUPER STOP & SHOP,

Defendants.

**DEMAND FOR A  
VERIFIED BILL  
OF PARTICULARS**

-----X

**PLEASE TAKE NOTICE**, that pursuant to C.P.L.R. 3041 to 3044, plaintiff is required to serve upon the undersigned, within 30 days hereof, a Verified Bill of Particulars concerning the following matters:

1. The date, time and location of the occurrence.
2. Detailed description of each injury sustained.
3. Each injury claimed to have resulted in a permanent disability and describe the nature and degree of disability.
4. The periods of a) total disability; b) partial disability.
5. Length of time confined to: a) bed; b) home; c) hospitals.
6. The name of every hospital, clinic or institution where any treatment or examination was rendered, and dates of admission and discharge.
7. Name and address of each employer; if self employed state nature of self employment and business address.
8. Length of time incapacitated from employment.
9. The position held and/or type of work performed by each plaintiff.
10. Amounts claimed as lost earnings, including detailed statement as to how such lost earnings were computed.



11. If any plaintiff was a student, give the name and address of the school attended and the length of time incapacitated from attending said school.
12. Separately state amounts claimed for:
  - a) Physicians' services
  - b) Medications, supplies and x-rays
  - c) Nurse, therapist and chiropractic services
  - d) Hospital expenses
  - e) Any other related expenses, identify and detail.
13. The residence address, date of birth and social security number of each plaintiff.
14. If the occurrence took place in the interior of premises, give floor number, room, stair, aisle or other detail sufficient to locate the accident site; if upon a sidewalk or exterior of premises, the distance from the curb and building line and other fixed object.
15. Describe in detail how it is claimed the accident occurred.
16. All the acts and/or omissions constituting the negligence of:
  - a) this answering defendant
  - b) each co-defendant
17. Any and all laws, rules, regulations and ordinances that are claimed to be either applicable to the occurrence or are claimed to have been violated by each defendant.
18. If the plaintiff claims a dangerous, unsafe, or defective condition was the cause of the accident:
  - a) describe that condition;
  - b) set forth in what manner the condition described was dangerous, defective and/or unsafe;
  - c) specify the date and time when the condition was caused or created;
  - d) set forth the identity of the person or
19. State whether the answering defendant:
  - a) had actual or constructive notice of the condition alleged;
  - b) if the actual notice is claimed, state to whom and by whom such notice was given; the date, place and the manner in which such notice was given;
  - c) if constructive notice is claimed, state how long the defective condition existed and the manner in which the answering defendant knew or should have known of the condition.

Dated: Albertson, New York  
October 15, 2007

**PAUL ESCHMANN, ESQ.**  
**AHMUTY, DEMERS & McMANUS, ESQS.**  
Attorneys for Defendant,  
**THE STOP & SHOP SUPERMARKET**  
**COMPANY LLC and THE STOP & SHOP**  
**SUPERMARKET COMPANY LLC s/h/i/a**  
**SUPER STOP & SHOP**  
200 I.U. Willets Road  
Albertson, New York 11507  
(516) 294-5433  
**Our File No. : SAS1178N7PAE**

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF BRONX

-----X  
LIZA POPOVIC,

Index No.: 301206-07

Plaintiff,

-against-

THE STOP & SHOP SUPERMARKET COMPANY LLC,  
and SUPER STOP & SHOP,

Defendants.

**NOTICE FOR  
DISCOVERY  
AND INSPECTION**

-----X

**PLEASE TAKE NOTICE**, that the undersigned hereby demands that all parties produce for discovery and inspection with leave to photocopy, at the office of the undersigned on **November 15, 2007** at 9:30 a.m. the following:

1. The names and addresses of all persons who were eyewitnesses to the occurrence. (Zellman v. Metropolitan Transit Authority 40 AD2d 248)
2. The names and addresses of all persons who will testify on the issue of notice, actual or constructive, concerning the condition of the premises as alleged in the Complaint. (Zayas v. Morales, 45 AD2d 610)
3. Any written or recorded statement taken of this party or its agents, servants, employees or representatives by any party or any party's representative.
4. All photographs which any party will allege fairly and accurately depict the condition of the premises at the time and place of the happening of the occurrence.

Dated: Albertson, New York  
October 15, 2007

**PAUL ESCHMANN, ESQ.**  
**AHMUTY, DEMERS & McMANUS, ESQS.**  
Attorneys for Defendant,  
**THE STOP & SHOP SUPERMARKET  
COMPANY LLC and THE STOP & SHOP  
SUPERMARKET COMPANY LLC s/h/i/a  
SUPER STOP & SHOP**  
200 I.U. Willets Road  
Albertson, New York 11507  
(516) 294-5433  
**Our File No. : SAS1178N7PAE**

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF BRONX

-----X  
LIZA POPOVIC,

Index No.: 301206-07

Plaintiff,

**NOTICE RE: MEDICALS**

-against-

THE STOP & SHOP SUPERMARKET COMPANY LLC,  
and SUPER STOP & SHOP,

Defendants.

-----X

**PLEASE TAKE NOTICE**, that the plaintiff is required to serve upon the undersigned within twenty (20) days following receipt of this notice, the following:

1. The names and addresses of all physicians or other health care providers who have treated, examined or consulted with the plaintiff for each of the conditions allegedly caused by, or exacerbated by, the occurrence described in the complaint, including the date of such treatment or examination.
2. Detailed narrative reports of all physicians and health care providers who will testify at the trial of this action regarding their treatment and care of, or consultation with the plaintiff. Said reports must identify any other medical documentation, including x-rays and technicians reports relied upon or intended to be offered as evidence in the plaintiff's behalf.
3. Duly executed and acknowledged HIPAA compliant authorizations of the plaintiff permitting the undersigned to secure the records, charts, bills and other documentation, including x-rays, of:
  - a) all hospitals, clinics and/or other health care facilities in which the injured plaintiff herein was treated or confined due to the occurrence set forth in the complaint; and
  - b) all treating, examining and or consulting physicians and/or other health care providers relating to the injured plaintiff herein (Pizzo v. Bunora, 89 A.D.2d 1013, 454 N.Y.S.2d 455); and
  - c) all pharmacies from which the injured plaintiff herein purchased prescription medication for a period of one (1) year preceding the underlying occurrence to the present; and,

- d) all hospitals or other facilities, in which the plaintiff was treated or confined and all physicians and/or health care providers who treated, examined or consulted with the injured plaintiff prior to the underlying occurrence for any injury or condition claimed to have been aggravated or exacerbated in the underlying occurrence or for any prior injury or condition affecting the same, related or adjacent body parts claimed to have been injured in the occurrence underlying this action.

The foregoing HIPAA compliant authorizations shall be directed to the appropriate hospital, physician, etc., with complete address of same and indicating any hospital or account number, dates of confinement or treatment and issued and executed in favor of the undersigned not more than thirty (30) days before receipt by the undersigned. The authorizations shall expire upon completion of the case.

**PLEASE TAKE FURTHER NOTICE**, that the answering defendant will move to preclude the offer into evidence on behalf of the plaintiff the testimony of any physician whose report has not been supplied in response hereto and as required by the applicable provisions of the C.P.L.R. and Appellate Division Rules and to preclude the offer into evidence of any demanded medical documentation or materials unless there has been full compliance with this demand.

Dated: Albertson, New York  
October 15, 2007

**PAUL ESCHMANN, ESQ.**  
**AHMUTY, DEMERS & McMANUS, ESQS.**  
Attorneys for Defendant,  
**THE STOP & SHOP SUPERMARKET**  
**COMPANY LLC and THE STOP & SHOP**  
**SUPERMARKET COMPANY LLC s/h/i/a**  
**SUPER STOP & SHOP**  
200 I.U. Willets Road  
Albertson, New York 11507  
(516) 294-5433  
**Our File No. : SAS1178N7PAE**

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF BRONX

-----X  
LIZA POPOVIC,

Plaintiff,

-against-

THE STOP & SHOP SUPERMARKET COMPANY LLC,  
and SUPER STOP & SHOP,

Defendants.  
-----X

Index No.: 301206-07

**NOTICE TO TAKE  
DEPOSITION UPON  
ORAL EXAMINATION**

**PLEASE TAKE NOTICE**, pursuant to Art. 31, CPLR, the deposition upon oral questions of the persons named will be taken as follows:

**TO BE EXAMINED:** **ALL PARTIES**

**DATE, TIME & PLACE:** **MONDAY, March 17, 2008**  
**10:00 a.m.**  
**AHMUTY, DEMERS & MCMANUS, ESQS.**  
**123 William Street, 26<sup>th</sup> Floor**  
**New York, New York 10038**

**PLEASE TAKE NOTICE**, that testimony will be taken with respect to all relevant facts and circumstances including negligence, contributory negligence, comparative negligence, liability & damages in connection with the accident which is the subject matter of this lawsuit.

**PLEASE TAKE FURTHER NOTICE**, that pursuant to CPLR 3111, plaintiff and any co-defendant is required to produce the following items at the deposition:

1. The accident report prepared by or on behalf of the party or person to be examined, his servants, agents or representatives.
2. All medical bills and any receipts, cancelled checks or estimates relating to special damages.

3. If lost earnings are claimed, Federal and State Income Tax returns covering the year when the incident occurred and for two years prior thereto and one year thereafter.
4. Any contracts, leases or documents which will be relied upon with respect to any claim of any party to this action.
5. Any statement given by or on behalf of the party serving this notice.
6. Any and all exhibits, papers and/or documents relative to this lawsuit and the underlying claim.

Dated: Albertson, New York  
October 15, 2007

**PAUL ESCHMANN, ESQ.**  
**AHMUTY, DEMERS & McMANUS, ESQS.**  
Attorneys for Defendant,  
**THE STOP & SHOP SUPERMARKET**  
**COMPANY LLC and THE STOP & SHOP**  
**SUPERMARKET COMPANY LLC s/h/i/a**  
**SUPER STOP & SHOP**  
200 I.U. Willets Road  
Albertson, New York 11507  
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**Our File No. : SAS1178N7PAE**

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF BRONX

-----X  
LIZA POPOVIC,

Index No.: 301206-07

Plaintiff,

-against-

THE STOP & SHOP SUPERMARKET COMPANY LLC,  
and SUPER STOP & SHOP,

Defendants.

**NOTICE DECLINING  
SERVICE VIA  
ELECTRONIC MEANS**

-----X

PLEASE TAKE NOTICE, that the Defendant, THE STOP & SHOP  
SUPERMARKET COMPANY LLC and THE STOP & SHOP SUPERMARKET  
COMPANY LLC s/h/i/a SUPER STOP & SHOP, by its attorneys, AHMUTY, DEMERS  
& McMANUS, ESQS., hereby declines receipt of service of legal papers of any type  
whatsoever by facsimile or other electric means.

Dated: Albertson, New York  
October 15, 2007

PAUL ESCHMANN, ESQ.  
AHMUTY, DEMERS & McMANUS, ESQS.  
Attorneys for Defendant,  
THE STOP & SHOP SUPERMARKET  
COMPANY LLC and THE STOP & SHOP  
SUPERMARKET COMPANY LLC s/h/i/a  
SUPER STOP & SHOP  
200 I.U. Willets Road  
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(516) 294-5433  
Our File No. : SAS1178N7PAE





SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF BRONX

-----X  
LIZA POPOVIC,

Index No.: 301206-07

Plaintiff,

-against-

THE STOP & SHOP SUPERMARKET COMPANY LLC,  
and SUPER STOP & SHOP,

Defendants.

**DEMAND FOR  
ATTORNEY  
IDENTIFICATION**

-----X

**PLEASE TAKE NOTICE**, that the undersigned hereby demands that the plaintiff provide the names and addresses of all the parties appearing in this action or the names and addresses of their respective attorneys together with copies of all pleadings heretofore served by those parties upon the defendant's attorney, pursuant to Sec. 2103(e) of the C.P.L.R.

Dated: Albertson, New York  
October 15, 2007

**PAUL ESCHMANN, ESQ.**  
**AHMUTY, DEMERS & McMANUS, ESQS.**  
Attorneys for Defendant,  
**THE STOP & SHOP SUPERMARKET  
COMPANY LLC and THE STOP & SHOP  
SUPERMARKET COMPANY LLC s/h/i/a  
SUPER STOP & SHOP**  
200 I.U. Willets Road  
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**Our File No. : SAS1178N7PAE**

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF BRONX

-----X  
LIZA POPOVIC,

Index No.: 301206-07

Plaintiff,

-against-

THE STOP & SHOP SUPERMARKET COMPANY LLC,  
and SUPER STOP & SHOP,

Defendants.

**DEMAND FOR  
EXPERT WITNESS  
INFORMATION**

-----X

**PLEASE TAKE NOTICE** that it is demanded pursuant to Section 3101(d) of the Civil Practice Law and Rules, that all parties are hereby required to serve upon the undersigned within twenty (20) days of the date of this notice, the following:

1. State whether there is any person you expect to call as an expert witness at the time of the trial of this action.
2. If the answer to the preceding is in the affirmative, please state in detail as to each and every such expert person:
  - a) His identity.
  - b) His address.
  - c) His field of expertise.
  - d) Any sub-specialties of the witness within his field of expertise.
  - e) In reasonable detail, the subject matter on which each and every expert is expected to testify.
  - f) In reasonable detail, the substance of the facts and opinions to which each and every expert is expected to testify.
  - g) In reasonable detail, the qualifications of each and every expert witness.
  - h) In reasonable detail, a summary of the grounds for each expert's opinion.

- i) Names, dates and publishers of any treatises, books, articles or essays or other writings published or unpublished by the expert relating in any way to the subject matter on which said expert is expected to testify. For each published article and essay, state the title of the book, journal or other work in which it can be found and the name and address of the publisher and date of publication.

3. State whether any expert, including but not limited to the person or persons identified in the preceding demands at any time made an examination, analysis, inspection or test of:

- a) The premises or the area involved in the accident.
- b) Any other item of real evidence which may be relevant to determining the cause of the accident or the damages alleged in the complaint.

4. If the answers to any of the preceding demands is in the affirmative, for each such person state:

- a) The determination, if any, as to whether or not the product or item inspected was manufactured consistent with specifications.

5. Has the object or product identified in the preceding demands been destroyed or altered in the course of the examination, analysis, inspection or test performed upon it?

6. Did anyone assist the persons identified in the preceding demands in the performance of the examination, inspection and analysis of tests?

7. If the answer to any of the preceding demands is in the affirmative:

- a) Identify each person who gave such assistance.
- b) Describe the type and amount of assistance given.
- c) State the dates on which such assistance given.

8. Did any of the persons identified in any of the preceding demands submit any reports based upon the test examinations conducted?

9. If any of the preceding demands are in the affirmative, state:

- a) A description of each report that was made.
- b) The date that each report was made.
- c) Identify the person to whom each report was submitted.

d) Identify the persons who have present custody of each report.

10. Attach a copy of any reports identified in response to any of the preceding demands.

**PLEASE TAKE FURTHER NOTICE**, that upon your failure to respond to this demand within twenty (20) days, a motion will be made pursuant to CPLR 3101(d) for sanctions and/or to compel compliance with same.

Dated: Albertson, New York  
October 15, 2007

**PAUL ESCHMANN, ESQ.**  
**AHMUTY, DEMERS & McMANUS, ESQS.**  
Attorneys for Defendant,  
**THE STOP & SHOP SUPERMARKET**  
**COMPANY LLC and THE STOP & SHOP**  
**SUPERMARKET COMPANY LLC s/h/i/a**  
**SUPER STOP & SHOP**  
200 I.U. Willets Road  
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(516) 294-5433  
**Our File No. : SAS1178N7PAE**

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF BRONX

-----X  
LIZA POPOVIC,

Index No.: 301206-07

Plaintiff,

-against-

THE STOP & SHOP SUPERMARKET COMPANY LLC,  
and SUPER STOP & SHOP,

Defendants.

**DEMAND FOR  
COLLATERAL  
SOURCE INFORMATION**

-----X

**PLEASE TAKE NOTICE**, that you are hereby required to furnish to the undersigned within thirty (30) days hereof pursuant to 3101 and 4545 of the C.P.L.R., all documents, bills, invoices, receipts and/or cancelled checks concerning indemnification, payment and/or reimbursements, in whole or in part, which plaintiff has received from collateral sources, including but not limited to insurance, social security, workers compensation or employee benefit programs for the cost of medical care, custodial care, rehabilitation services, loss of earnings and other economic loss which the plaintiff will claim as special damages in this action.

**PLEASE TAKE FURTHER NOTICE**, that failure to comply with the above mentioned request will render the plaintiff subject to available provisions provided under the C.P.L.R.

**PLEASE TAKE FURTHER NOTICE**, that this is a continuing demand and should any of the information requested become available or known in the future, then you are required to furnish same at such time.

Dated: Albertson, New York  
October 15, 2007

**PAUL ESCHMANN, ESQ.**  
**AHMUTY, DEMERS & McMANUS, ESQS.**  
Attorneys for Defendant,  
**THE STOP & SHOP SUPERMARKET  
COMPANY LLC and THE STOP & SHOP  
SUPERMARKET COMPANY LLC s/h/i/a  
SUPER STOP & SHOP**  
200 I.U. Willets Road  
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**Our File No. : SAS1178N7PAE**

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF BRONX

-----X  
LIZA POPOVIC,

Index No.: 301206-07

Plaintiff,

-against-

**NOTICE PURSUANT  
TO CPLR 3017(c)**

THE STOP & SHOP SUPERMARKET COMPANY LLC,  
and SUPER STOP & SHOP,

Defendants.

-----X

**PLEASE TAKE NOTICE**, that demand is hereby made that you serve upon the undersigned within fifteen (15) days hereof, a supplemental allegation stating the total damages to which the plaintiff deems herself entitled in this action pursuant to CPLR Section 3017(c).

Dated: Albertson, New York  
October 15, 2007

**PAUL ESCHMANN, ESQ.**  
**AHMUTY, DEMERS & McMANUS, ESQS.**  
Attorneys for Defendant,  
**THE STOP & SHOP SUPERMARKET  
COMPANY LLC and THE STOP & SHOP  
SUPERMARKET COMPANY LLC s/h/i/a  
SUPER STOP & SHOP**  
200 I.U. Willets Road  
Albertson, New York 11507  
(516) 294-5433  
**Our File No. : SAS1178N7PAE**

AFFIDAVIT OF SERVICE BY MAIL

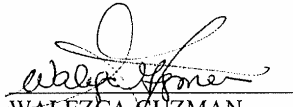
STATE OF NEW YORK )  
: SS.:  
COUNTY OF NEW YORK)

I, WALEZCA GUZMAN, being sworn, say that I am not a party to this action, am over 18 years of age, and reside in Ozone Park, New York.

On October 15, 2007, I served the within CERTIFICATION PURSUANT TO PART 130, VERIFIED ANSWER, DEMAND FOR A VERIFIED BILL OF PARTICULARS, NOTICE FOR DISCOVERY AND INSPECTION, NOTICE RE: MEDICALS, NOTICE TO TAKE DEPOSITION UPON ORAL EXAMINATION, NOTICE DECLINING SERVICE VIA ELECTRONIC MEANS, DEMAND FOR PROOF OF INSURANCE INFORMATION, DEMAND FOR EXPERT WITNESS INFORMATION, DEMAND FOR COLLATERAL SOURCE INFORMATION, DEMAND FOR ATTORNEY IDENTIFICATION and NOTICE PURSUANT TO CPLR 3017 (c) upon:

TO: Hoffmaier & Hoffmaier, LLP  
Attorneys for Plaintiff  
30 Avenue B  
New York, N.Y. 10009  
(212) 777-9400

by depositing a true copy thereof enclosed in a post-paid wrapper, in an official depository under the exclusive care and custody of the U. S. Postal Service within New York State, addressed to each of the following persons at the last known address as set forth after each name:

  
WALEZCA GUZMAN

Sworn to Before Me This  
17<sup>th</sup> day of October, 2007

  
NOTARY PUBLIC

SOPHIE M. QUINONES  
Commissioner of Deeds  
City of New York No. 3-6795  
Certificate filed in Bronx County  
Commission Expires On: 3/1/09



INDEX NO. : 301206-

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF BRONX

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LIZA POPOVIC,

Plaintiff,

-against-

THE STOP & SHOP SUPERMARKET COMPANY LLC,  
and SUPER STOP & SHOP,

Defendants.

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CERTIFICATION PURSUANT TO PART 130, VERIFIED ANSWER, DEMAND FOR  
A VERIFIED BILL OF PARTICULARS, NOTICE FOR DISCOVERY AND  
INSPECTION, NOTICE RE: MEDICALS, NOTICE TO TAKE DEPOSITION UPON  
ORAL EXAMINATION, NOTICE DECLINING SERVICE VIA ELECTRONIC  
MEANS, DEMAND FOR PROOF OF INSURANCE INFORMATION, DEMAND FOR  
EXPERT WITNESS INFORMATION, DEMAND FOR COLLATERAL SOURCE  
INFORMATION, DEMAND FOR ATTORNEY IDENTIFICATION and NOTICE  
PURSUANT TO CPLR 3017 (c)

=====

AHMUTY, DEMERS & McMANUS, ESQS.

Attorneys for Defendant,

THE STOP & SHOP SUPERMARKET COMPANY LLC and THE STOP & SHOP  
SUPERMARKET COMPANY LLC s/h/i/a SUPER STOP & SHOP

200 I.U. Willets Road

Albertson, New York 11507

Tel #: 516-294-5433

Our File No. : SAS1178N7PAE

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To: [See Affidavit of Service]

Attorneys for:

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Service of a copy is hereby admitted

Dated: Albertson, New York  
October 15, 2007